

Notice of Allowability

Application No.

09/408,112

Examiner

Michael W. Hoye

Applicant(s)

WHITELAW, JEFFREY G.

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2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response filed on 8/30/04.
2. ☒ The allowed claim(s) is/are 1-6, 9-17, 20-35 and 38-52 *(RENUMBERED AS 1-44)*
3. ☒ The drawings filed on 29 September 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Independent claim 1 appears to have a typographical error and should be amended to include the word **--sets--** immediately following the word "specification" in line 7 of the claim. The claim language was correct in the previous listing of the claim as filed on 5/4/04.

Independent claim 13 has a typographical error in line 3, where the word "moreviewer" should be two separate words and be amended to read **--more viewer--**.

In line 2 of dependent claims 46, 48, 50 and 52, the word "moving" should be **--movie--**.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance: Claims 1-6, 9-17, 20-35 and 38-52 are allowed.

As for independent claims 1, 13, 20 and 29, the prior art, alone or in combination, does not teach or fairly suggest a method of supervising personal exposure to a consumer electronics device by a user, comprising selecting one of one or more viewer profile specification sets stored in permanent memory within the consumer electronics device in response to a user input; setting a content-based specification set automatically in response to the selection of one of the one or

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more viewer profile specification sets, each of the content-based specification sets comprising a rating and a subject matter category. As for the most pertinent prior art of record, the Kim (USPN 5,995,133) reference discloses a list of TV ratings, movie ratings and subject matter as shown in Figs. 10 and 11, where a user manually selects the desired rating or subject matter from the list displayed on the screen of Fig. 11 in order to set a desired rating or subject matter category. Once the rating or subject matter criteria is set, programming that does not meet that criteria is blocked. However, the Kim reference fails to disclose a “viewer profile specification set” and a separate “content-based specification set.” The Kim reference also fails to disclose setting the content-based specification set automatically in response to the selection of the viewer profile specification set.

Another reference, Collings (USPN 5,828,402), discloses a system for allowing two or more separate informational coding schemes to coexist. In each informational scheme, programming is classified according to several categories (see Table II), where each category has one or more levels (see Table III, which shows levels for the Rating category). For each category within each separate informational scheme, the user manually inputs a preferred level (col. 22, lines 9-15), which establishes a threshold for viewable programming. Programming can also be classified according to a set of subject matter labels, where if a label is selected a program defined by that label will be blocked (see Fig. 5E and col. 13, lines 26-38). When the user enters a preferred level, the user selects a descriptive label for that level instead of selecting the actual bit string for that level (see Fig. 5D and col. 13, lines 36-39). In general, it is easier for a user to select between blocking programming in which the level of violence is “strong” or “graphic” than it is to select between levels “4” and “5” (see col. 7, lines 45-46). The numeral

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“4” indicates that the violence level is 4 on a scale of, for example, 0 to 5 (see col. 17, lines 49-52). When the user selects one of the subject matter labels of Fig. 5E, that label corresponds to a distinct bit string as well (col. 15, lines 31-34). Collings teaches that if a user wishes to filter programming based on a rating or subject matter, the user must individually select that rating or subject matter lever. Like the Kim reference, the Collings reference fails to teach or disclose a “viewer profile specification set” as recited in claim 1, where a content-based specification set comprising a rating and a subject matter category is automatically set in response to the selection of the viewer profile. In the applicant’s invention the features as described above are specifically disclosed in claims 1, 13, 20 and 29.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is (703) 305-6954. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

Any response to this action should be mailed to:

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Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop ____
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P.O. Box 1450
Alexandria, VA 22313-1450

Please address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.) as follows:


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Arlington, Virginia 22202

Or faxed to: (703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(703) 308-HELP**.

Michael W. Hoye
January 4, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600